

4 AAC 06 is amended by adding a new section to read:

**4 AAC 06.776. Assessment of a student with limited English proficiency. (a)**

A student identified as a pupil with limited English proficiency under 4 AAC 34.055 shall participate, either with or without an accomodation, in a test included in the statewide student assessment system under 4 AAC 06.700 - 4 AAC 06.790.

(b) A district shall appoint a team that includes parents and teachers to determine the necessary accommodations for students with limited English proficiency. The team shall document the accommodation decision and may not provide a modification.

(c) In this section,

(1) “accommodations” means a change

(A) in the manner in which a test included in the statewide student assessment system is given to a student; and

(B) that does not alter what is measured by the assessment;

(2) “modifications” means a change to the

(A) content of a test included in the statewide student assessment system; or

(B) administration of a test included in the statewide student assessment system, if the change alters what is measured by that test. (Eff.

\_\_\_/\_\_\_/2003, Register \_\_\_)

Authority:	AS 14.03.123	AS 14.07.020	AS 14.07.060
	AS 14.50.030	AS 14.50.080	

4 AAC 06 is amended by adding new sections and a new article to read:

**Article 4. School and District Accountability.**

Section

- 4 AAC 06.800. Goals and indicators
- 4 AAC 06.802. Requirements adopted by reference
- 4 AAC 06.805. Adequate yearly progress
- 4 AAC 06.810. Performance and improvement
- 4 AAC 06.815. Annual measurable objectives
- 4 AAC 06.820. Participation
- 4 AAC 06.825. Other academic indicators
- 4 AAC 06.830. Subgroups
- 4 AAC 06.835. Designations.
- 4 AAC 06.840. Consequences of not demonstrating adequate yearly progress
- 4 AAC 06.845. School improvement plan
- 4 AAC 06.850. District improvement plan
- 4 AAC 06.852. Technical assistance
- 4 AAC 06.855. School choice
- 4 AAC 06.860. Supplemental educational services
- 4 AAC 06.865. School corrective action
- 4AAC 06.870. Restructuring
- 4 AAC 06.875. Appeal
- 4 AAC 06.880. Notice

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4 AAC 06.885. Recognition

4 AAC 06.899. Definitions

**4 AAC 06.800. Goals and indicators.** The Board adopts the goals and indicators of 20 U.S.C. 6301-7941 (Elementary and Secondary Education Act). The goal of the Board is that by school year 2013-14, all students will reach proficiency or better in language arts and mathematics. (Eff. \_\_/\_\_/2003, Register \_\_\_\_)

Authority: AS 14.03.123 AS 14.07.020  
AS 14.07.060 AS 14.50.030 AS 14.50.080

**4 AAC 06.802. Requirements adopted by reference.** 34 C.F.R. 200.47, as revised as of January 2, 2003, is adopted by reference. (Eff. \_\_/\_\_/\_\_\_\_, Register \_\_\_\_)

**4 AAC 06.805. Adequate yearly progress.** (a) Each year, each public school, each school district, and the state public school system shall demonstrate adequate yearly progress. Public schools include charter schools, alternative schools, special mission schools, correspondence schools, boarding schools, and schools located in youth correctional facilities.

(b) To demonstrate adequate yearly progress, a school, a district, and the state public school system must meet or exceed the requirements set out in

(1) 4 AAC 06.810 for

(A) student academic performance of all students collectively; and

(B) student academic performance or improvement in student academic performance of each subgroup of students;

(2) 4 AAC 06.820 for participation in state assessments of all students collectively and each subgroup of students; and

(3) 4 AAC 06.825 for other academic indicators for all students collectively.

(c) The department will determine adequate yearly progress by using data for student academic performance, improvement of academic performance, and participation in state assessments of all students collectively and each subgroup of students enrolled in grades 3-10. Adequate yearly progress will be determined for

(1) a school that includes one or more of grades 3-10, by using data for all students collectively and the subgroups of the students enrolled in the school;

(2) a school that does not include one or more of grades 3-10 by using data for the school that does include one or more of grades 3-10 and that receives the students from the school;

(3) a district, by using data for all students collectively and the subgroups of students enrolled in schools in the district; and

(4) the state public school system, by using data for all students collectively and the subgroups of students enrolled in schools in the state.

(d) A student's assessment results and other academic indicators will be included in the determination of adequate yearly progress if the student is enrolled for a full

academic year. A student's participation in the state assessments will be included in the determination of adequate yearly progress if the student is enrolled on the first day of the administration of the state assessments. A student is considered enrolled for a full academic year if, from October 1 to the first day of the administration of the state assessment for the student's grade level, the student is continuously enrolled

(1) for a school, in the same school;

(2) for a district, in schools within the same district, even if in different schools within the district; and

(3) for the state public school system, in schools within the state, even if in different districts.

(e) The academic performance, participation, and other academic indicators of a student who is enrolled at more than one school at a time will be included in the adequate yearly progress determination of the school at which the student is counted under 4 AAC 09.040 as more than 0.5 full-time equivalent. If the student cannot be counted under 4 AAC 09.040 as more than 0.5 full-time equivalent at any of those schools, the student's assessment results and participation will be included in the school at which the student receives instruction in language arts.

(f) All students enrolled for a full academic year who are counted under 4 AAC 09.040 as more than 0.25 full-time equivalent under 4 AAC 09.040 must be included in the state assessments and determination of adequate yearly progress.

(g) A district shall report to the state the enrollment of all students as of the first day of the administration of the tests under 4 AAC 06.730, 4 AAC 06.737, and

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4 AAC 06.755. The report must be on a form required by the department, and must include the student's student identification number, school, grade, and subgroup membership. The report shall be filed no later than 30 days following the final day of administration of the tests. If, after reviewing the report, the department determines that a school or district has underreported the number of economically disadvantaged students in a school or district, the department shall use data from other sources, including confidential public assistance data, to estimate the actual number of students in that subgroup. (Eff. \_\_/\_\_/2003, Register \_\_\_\_)

Authority: AS 14.03.123 AS 14.07.020  
AS 14.07.060 AS 14.07.170 AS 14.50.030  
AS 14.50.080

**4 AAC 06.810. Performance and improvement.** (a) The academic performance score for proficiency in mathematics or language arts is a fraction, expressed as a percent, the numerator of which is the number of students enrolled for a full academic year who were proficient in mathematics or language arts and the denominator of which is the number of students enrolled for a full academic year who participated in a state assessment.

(b) A school, a district, or the state public school system satisfies the requirements for student academic performance in mathematics or language arts if the students collectively and each subgroup of students in the school, district, and state public school system achieve a performance score that meets or exceeds the lower bound of the

99 percent confidence interval around the annual measurable objective for that year and subject specified in 4 AAC 06.815.

(c) The lower bound of the confidence interval described in (b) of this section is calculated under the following formula:

$$AMO - 2.33 \times \sqrt{\frac{(pq)}{N}}$$

Where:

(1)  $p$  = the proportion proficient required in the annual measurable objective for that year and subject;

(2)  $q$  = the proportion not proficient specified in the annual measurable objective for that year and subject;

(3)  $N$  = the number of students in the school or subgroup who participated in a state assessment and were enrolled for the full academic year; and

(4)  $AMO$  = the annual measurable objective for that year and subject specified in 4 AAC 06.815.

(d) A subgroup that does not meet the requirements for academic performance in a subject area under (b) of this section satisfies the requirements for improvement of academic performance in that subject area if the

(1) percentage of students in the subgroup that are not proficient in a subject area for that year is reduced by 10 percent from the percentage that were not proficient in that subject area the preceding year; and

(2) subgroup meets or makes progress on the other academic indicators described in 4 AAC 06.825.

(e) In calculating the performance score under (a), a school, a district, and the state public school system may include as proficient students who test at the proficient level on the alternate assessment, for those grades in which the alternate assessment is available under 4 AAC 04.160; however, no more than one percent of the students in the district or the state public school system may be included as proficient under the alternate assessment. (Eff. \_\_/\_\_/2003, Register \_\_\_\_)

Authority: AS 14.03.123 AS 14.07.020  
AS 14.07.060 AS 14.50.030 AS 14.50.080

**4 AAC 06.815. Annual measurable objectives.** (a) The annual measurable objective is the percentage of students that must score at a proficient level or higher, as established under 4 AAC 06.739, on the state assessments.

(b) The annual measurable objective, for each subject area for each year, is set out in the following table:

School Year	Annual Measurable Objective for Language Arts	Annual Measurable Objective for Mathematics
2001-02	64.03%	54.86%
2002-03	64.03 %	54.86 %
2003-04	64.03 %	54.86 %
2004-05	70.03 %	62.38 %
2005-06	70.03 %	62.38 %
2006-07	70.03 %	62.38 %
2007-08	76.03%	69.9 %



2008-09	76.03 %	69.9 %
2009-10	76.03 %	69.9 %
2010-11	82.03%	77.42 %
2011-12	88.03 %	84.94 %
2012-13	94.03 %	92.46 %
2013-14	100%	100 %

(c) Language arts assessment scores and proficiency cut scores are equal to the combined assessment score for

(1) grades 3, 6, 8, and 10, for the reading and writing assessments described in 4 AAC 06.739; and

(2) grades 4, 5, 7, and 9, for the reading and language arts assessments described in 4 AAC 06.739.

(d) A school that does not assign students to grade levels shall assess students using the grade level assessment that would apply if the school had standard grade levels based upon the years the student has been enrolled in school. (Eff. \_\_/\_\_/2003, Register \_\_\_\_)

Authority: AS 14.03.123 AS 14.07.020  
AS 14.07.060 AS 14.50.030 AS 14.50.080

**4 AAC 06.820. Participation.** (a) For a school, a district, or the state public school system to satisfy the requirements for participation in assessments, at least 95 percent of the students, and 95 percent of the students in each subgroup consisting of more than 20 students, enrolled on the first day of testing in grades 3-10, must participate in a state assessment in that year. However, if a school has 40 or fewer students, or a

subgroup has more than 20 but no more than 40 students enrolled in grades 3-10, the requirements for participation are satisfied if no more than two students from that school or subgroup do not participate in a state assessment. For purposes of this section, a student participates in a state assessment if the student receives a valid test score on one of the required state assessments.

(b) A school or district may not systematically exclude students from assessment.

(c) Students who are eligible to take the alternate assessment under 4 AAC 04.160 will be included in calculating the participation rate under (a) of this section, even if more than one percent of the students in a district or the state public school system take the alternate assessment, if the students are

(1) in a grade in which the alternate assessment is offered; and

(2) enrolled on the first day of testing. (Eff. \_\_/\_\_/2003, Register \_\_\_\_).

Authority: AS 14.03.123 AS 14.07.020

AS 14.07.060 AS 14.50.030 AS 14.50.080

**4 AAC 06.825. Other academic indicators.** (a) For purposes of demonstrating adequate yearly progress as required in 4 AAC 06.805, other academic indicators consist of the

(1) graduation rate as determined under 4 AAC 06.895(i), if a student attends a school that enrolls students in grade 12; and

(2) average daily attendance rate as determined under 4 AAC 06.895(i) if a student attends a school that does not enroll students in grade 12.

(b) A school, a district, or the state public school system satisfies the requirements for other academic indicators if it meets or exceeds

(1) a graduation rate of 55.58 percent; or

(2) an average daily attendance rate of 85 percent. (Eff. \_\_/\_\_/2003,

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Authority: AS 14.03.123 AS 14.07.020

AS 14.07.060 AS 14.50.030 AS 14.50.080

**4 AAC 06.830. Subgroups.** (a) For purposes of demonstrating adequate yearly progress as required in 4 AAC 06.805, the results of student assessments will be categorized according to the following subgroups of students:

- (1) students with limited English proficiency under 4 AAC 34.055;
- (2) students with disabilities;
- (3) economically disadvantaged students;
- (4) African-Americans;
- (5) Alaska Natives;
- (6) American Indians;
- (7) Asians or Pacific Islanders;
- (8) Hispanics;
- (9) Whites.

(b) Notwithstanding any other provision of this chapter, data on the academic performance, improvement of academic performance, participation rate, and other

academic indicators for subgroups with 20 or fewer students will not be included in the determination of adequate yearly progress.

Authority: AS 14.03.123 AS 14.07.020 AS 14.07.060  
AS 14.50.030 AS 14.50.080

**4 AAC 06.835. Designations.** (a) The department will determine whether each school has made adequate yearly progress based on the results of the statewide assessments and information provided to the department. No later than July 1 of each year, the department will notify districts of the preliminary designation under this section of each school within the district. If a school fails to demonstrate adequate yearly progress as required by 4 AAC 06.805, the district will assign the school one of the following designations, based on the duration of the failure to make adequate yearly progress:

Duration of failure to demonstrate adequate yearly progress (AYP)	Designation
One year:	Level 1
Two consecutive years:	Level 2
Level 2, plus one additional year of failure to meet AYP, without two consecutive years of meeting AYP;	Level 3
Level 2, plus two additional years of failure to meet AYP, without two consecutive years of meeting AYP:	Level 4
Level 2, plus three or more additional years of failure to meet AYP, without two consecutive years of meeting AYP:	Level 5

(b) The department will determine whether each district has made adequate yearly progress based on the results of the statewide assessments and information provided to

the department for each school and student within the district. No later than July 1 of each year, the department will notify districts of the preliminary designation under this section of each district. If a district fails to demonstrate adequate yearly progress as required by 4 AAC 06.805, the department will assign the district one of the following designations based on the duration of the failure to make adequate yearly progress:

Duration of failure to make adequate yearly progress (AYP)	Designation
One year:	Level 1
Two consecutive years:	Level 2
Level 2, plus one additional year of failure to make AYP, without two consecutive year of meeting AYP:	Level 3
Level 2, plus two or more additional years of failure to make AYP, without two consecutive year of meeting AYP:	Level 4

(c) If a school or district fails to make adequate yearly progress in a year only because it did not meet the requirements under 4 AAC 06.810 for one subject area, not meeting the requirements under 4 AAC 06.810 for the other subject area in the next year will not be considered failing to make adequate yearly progress in consecutive years for purposes of the designations in (a) or (b) of this section.

(d) A school or district that receives a designation of Level 2 or higher under (a) or (b) of this section must demonstrate adequate yearly progress for two consecutive years to discontinue being designated under that section. If the designation was due solely to a failure to meet the academic performance requirements under 4 AAC 06.810 for one subject area, that designation will be discontinued if, in two consecutive years, the school, district, or state public school system meets the requirements for

- (1) academic performance under 4 AAC 06.810 in that subject area;
- (2) participation under 4 AAC 06.820; and
- (3) other academic indicators under 4 AAC 06.825.

(e) A designation of a school is final if the school does not appeal the designation within 10 days after receipt of the preliminary designation under 4 AAC 06.875(b). If a school appeals a designation, the department will provide the final designation of that school to the district no later than 10 days before the start of instruction at the school in the fall. A designation of a district is final if the district does not appeal the designation within 10 days after receipt of the preliminary designation under 4 AAC 06.875(e). (Eff. \_\_/\_\_/2003, Register \_\_)

Authority:	AS 14.03.015	AS 14.03.123	AS 14.07.020
	AS 14.07.060	AS 14.50.030	AS 14.50.080

**4 AAC 06.840. Consequences of not demonstrating adequate yearly progress.**

(a) A district shall provide appropriate technical assistance, consistent with 4 AAC 06.852, and appropriate notice to parents consistent with 4 AAC 06.880, for any school that receives a designation under 4 AAC 06.835.

(b) A school designated as Level 1 under 4 AAC 06.835 shall prepare and implement a school plan and consult with its district and the department

(1) regarding the reasons for the school's failure to demonstrate adequate yearly progress; and

(2) to receive technical assistance on preparing a school plan and meeting adequate yearly progress in the next year.

(c) A school designated as Level 2 or higher under 4 AAC 06.835(a) shall develop, issue, and implement a school improvement plan under 4 AAC 06.845.

(d) A district shall offer parents of students at a school in the district school choice consistent with 4 AAC 06.855 or, if choice is not available, supplemental educational services consistent with 4 AAC 06.860, if the school

(1) receives funding under 20 U.S.C. 6301-6578 (Title I of the Elementary and Secondary Education Act); and

(2) is designated as Level 2 under 4 AAC 06.835(a).

(e) A district shall offer parents of students at a school in the district school choice and supplemental educational services consistent with 4 AAC 06.855 and 4 AAC 06.860 if the school

(1) receives funding under 20 U.S.C. 6301-6578 (Title I of the Elementary and Secondary Education Act); and

(2) is designated as Level 3 or higher under 4 AAC 06.835(a).

(f) A district shall take corrective action under 4 AAC 06.865 at a school in the district if the school

(1) receives funding under 20 U.S.C. 6301-6578 (Title I of the Elementary and Secondary Education Act); and

(2) is designated as Level 4 or higher under 4 AAC 06.835(a).

(g) A district shall prepare and implement a reconstruction plan under 4 AAC 06.870 at a school in the district if the school

(1) receives funding under 20 U.S.C. 6301-6578 (Title I of the Elementary and Secondary Education Act); and

(2) is designated as Level 5 under 4 AAC 06.835(a).

(h) A school that had two or more consecutive years of failure to make adequate yearly progress as of January 2002 shall be treated as a school that already had two consecutive years of failure when applying this section for the 2002-03 school year.

(i) The department will permit a district to delay for one year implementation of an action required under this section if

(1) a school makes adequate yearly progress for one year; or

(2) the school's failure to make adequate yearly progress is due to exceptional or uncontrollable circumstances, including natural disasters and precipitous and unforeseen declines in the financial resources of the district or the school.

(j) A school that receives a delay in the implementation of an action under (i) of this section is subject to additional actions under this section as if the permitted delay had never occurred, unless the school makes adequate yearly progress for two consecutive years.

(k) A district designated as Level 2 or higher under 4 AAC 06.835(b) shall develop, issue, and implement a district improvement plan under 4 AAC 06.850. If a district that receives funding under 20 U.S.C. 6301-6578 (Title I of the Elementary and Secondary Education Act) is designated as Level 2 or higher under 4 AAC 06.035, the



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department will take appropriate action consistent with 34 C.F.R. 200.47 and 34 C.F.R. 200.49 through 34 C.F.R 200.51, including offering technical assistance if requested, and providing notice to parents. The requirements of 34 C.F.R. 200.47 and 34 C.F.R. 200.49 - 200.51, as revised as of December 2, 2002, are adopted by reference.

(l) The department will monitor the progress of each district required to take action under this section. The department's monitoring shall comply with 34 C.F.R. 200.50, as amended on December 2, 2002. (Eff. \_\_/\_\_/2003, Register \_\_)

Authority: AS 14.03.123 AS 14.07.020  
AS 14.07.060 AS 14.50.030 AS 14.50.080

**4 AAC 06.845. School improvement plan.** (a) A school required to submit a school improvement plan under 4 AAC 06.840(c) shall submit the plan to its district for approval not later than 90 days after designation under 4 AAC 06.835(a).

(b) After receiving a plan from a school under (a) of this section, a district shall

- (1) establish a peer review process to assist with a prompt review of the plan;
- (2) work with the school as necessary to modify the plan; and
- (3) no later than 45 days after receiving a plan from a school under 4 AAC 06.835, approve the plan for submission to the department if the plan meets with the requirements of this section.

(c) In developing a school improvement plan, a school must

- (1) consult with parents, school staff, and other interested persons;

- (2) cover a two-year period;
- (3) incorporate strategies based on scientifically-based research that will strengthen the core academic subjects in the school and address the specific academic issues that caused the designation;
- (4) adopt policies and practices concerning the school's core academic subjects that have the greatest likelihood of ensuring that all students will meet a proficiency level of proficient or advanced on the state assessments by school year 2013-14;
- (5) provide assurance that the school will allocate and spend at least 10 percent of the funding allocated to the school under 20 U.S.C. 6301-6578 (Title I of the Elementary and Secondary Education Act) to provide the school's teachers and principal with high-quality professional development that directly addresses the academic performance problem that caused the designation;
- (6) explain how the high-quality professional development will directly address the academic performance problem that caused the designation;
- (7) establish specific annual, measurable objectives for continuous and substantial progress by all students collectively and each subgroup of students enrolled in the school that will ensure that all students will meet a proficiency level of proficient or advanced on the state assessments by school year 2013-14;
- (8) describe how the school will provide written notice about the designation of the school to parents of each student enrolled in the school, in a format and, to the extent practicable, in a language that the parents can understand;

(9) specify the responsibilities of the school and district, and the responsibilities agreed to by the department, in implementing the improvement plan;

(10) include strategies to promote effective parental involvement in the school;

(11) incorporate, as appropriate, activities for students before school, after school, during the summer, and during any extension of the school year; and

(12) incorporate a teacher mentoring program.

(d) A school shall implement its plan immediately after receiving approval from the district. If the department determines that changes in the plan will improve the performance and progress of students at the school, the department will require changes to the plan at any time, including after implementation. (Eff. \_\_/\_\_/2003, Register \_\_)

Authority:	AS 14.03.015	AS 14.03.123	AS 14.07.020
	AS 14.07.060	AS 14.50.030	AS 14.50.080

**4 AAC 06.850. District improvement plan.** (a) A district required to submit a district improvement plan under 4 AAC 06.840(k) shall submit the plan to the department for approval not later than 90 days after designation under 4 AAC 06.835(b).

(b) In developing a district improvement plan, a district shall

- (1) cover a two-year period;
- (2) consult with parents, school staff, and other interested persons;
- (3) incorporate scientifically-based research strategies that strengthen the core academic program in the schools served by the district;

- (4) identify actions that have the greatest likelihood of improving the achievement of students in meeting the state's student academic performance standards;
- (5) address professional development needs of the instructional staff;
- (6) include specific measurable achievement goals and targets for all students collectively and each subgroup of students;
- (7) address the fundamental teaching and learning needs in the schools of the district, and the specific academic problems of low-achieving students, including a determination of why the district's prior plan failed to bring about increased student academic performance;
- (8) incorporate, as appropriate, activities before school, after school, during the summer, and during an extension of the school year;
- (9) specify the responsibilities of the department under the plan, including specifying the technical assistance to be provided by the department; and
- (10) include strategies to promote effective parental involvement in the school. (Eff. \_\_/\_\_/2003, Register \_\_\_\_)

Authority: AS 14.03.123 AS 14.07.020

AS 14.07.060 AS 14.50.030 AS 14.50.080

**4 AAC 06.852. Technical assistance.** (a) If a school within a district is designated as Level 2 or higher under 4 AAC 06.835(a), the district shall ensure that the school receives appropriate technical assistance as the school develops and implements its improvement plan under 4 AAC 06.845 and throughout the plan's duration.

(b) A district may arrange for the technical assistance to be provided by one or more of the following:

- (1) the district;
- (2) the department;
- (3) an institution of higher education;
- (4) a private not-for-profit organization, a private for-profit organization, an educational service agency, or another entity with experience in helping schools improve academic achievement.

(c) Technical assistance must be based on scientifically-based research and include

- (1) assistance in analyzing data from the state assessment system, and other examples of student work, to identify and develop solutions to problems in
  - (A) instruction;
  - (B) implementing the requirements for parental involvement and professional development; and
  - (C) implementing the school plan, including district- and school-level responsibilities under the plan;
- (2) assistance in identifying and implementing professional development and instructional strategies and methods that have proved effective, through scientifically-based research, in addressing the specific instructional issues that caused the district to designate the school; and

(3) assistance in analyzing and revising the school's budget so that the school allocates its resources more effectively to the activities most likely to

(D) increase student academic achievement; and

(E) remove the school from its designation. (Eff. \_\_/\_\_/2003,

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Authority: AS 14.03.123 AS 14.07.020

AS 14.07.060 AS 14.50.030 AS 14.50.080

**4 AAC 06.855. School choice.** (a) If required under 4 AAC 06.840, and not later than 10 days following the final designation of a school in the district under 4 AAC 06.835(a), a district shall provide parents of students enrolled in the school with the option to transfer the student to another public school in the district that is not designated as Level 2 or higher under 4 AAC 06.835(a).

(b) If a parent elects under (a) of this section to transfer a student, the district shall provide the student transportation to the other school unless the

(1) school is more than 50 miles from the student's home; or

(2) student's home and the school are not connected by road.

(c) If a district is unable to offer an option to transfer or transportation, the district shall

(1) to the extent practicable, establish a cooperative agreement for a transfer with a district in the area; and

(2) offer supplemental educational services under 4 AAC 06.860.

- (d) In offering an option to transfer, a district
- (1) shall, if possible, offer a choice of more than one school;
  - (2) shall consider the parent's preferences among the schools offered;
  - (3) may not use lack of capacity to deny parents the option to transfer;
  - (4) shall give priority to the lowest-achieving students from low-income families; and
- (5) shall allow a student to remain at the receiving school until the student has completed the highest grade in the school; however, the district's obligation to provide transportation ends at the end of the school year in which the school from which the student transferred is no longer designated at Level 2 or higher.

(e) A public school to which a student transfers under (a) of this section shall ensure that the student is enrolled in classes and other activities in the school in the same manner as all other students in the school. (Eff. \_\_/\_\_/2003, Register \_\_)

Authority: AS 14.03.123 AS 14.07.020  
AS 14.07.060 AS 14.50.030 AS 14.50.080

**4 AAC 06.860. Supplemental educational services.** (a) A district that is required to offer supplemental educational services under 4 AAC 06.840

- (1) shall arrange for each eligible student who remains in the designated school to receive supplemental educational services from a state-approved provider selected by the student's parents;
- (2) if requested, shall assist parents in choosing a provider;

(3) shall apply fair and equitable procedures for serving students if the number of spaces at approved providers is not sufficient to serve all eligible students;

(4) shall ensure that appropriate supplemental educational services and accommodations in the provision of those services are provided to eligible

(A) students with disabilities;

(B) students covered under 29 U.S.C. 794 (section 504 of the Rehabilitation Act of 1973); and

(C) students with limited English proficiency under 18 AAC 34.055; for these students, the district must also ensure that the students receive appropriate language assistance in the provision of the services; and

(5) may not disclose to the public, without the written permission of the student's parents, the identity of any student who is eligible for, or receiving, supplemental educational services.

(b) Supplemental educational services include tutoring and other high-quality, research-based supplemental academic enrichment services that

(1) are in addition to instruction provided during the school day;

(2) will increase the academic achievement of eligible students; and

(3) will enable eligible students to attain proficiency.

(c) A district that offers supplemental educational services shall enter into an agreement with each provider selected by a parent. The agreement must

(1) require the district to develop, in consultation with the parents and the provider a statement of



- (A) specific achievement goals for the student;
  - (B) how the student's progress will be measured; and
  - (C) a timetable for improving achievement;
- (2) describe procedures for regularly informing the student's parents and teachers of the student's progress;
- (3) provide for the termination of the agreement if the provider is unable to meet the goals and timetables specified in the agreement;
- (4) prohibit the provider from disclosing to the public, without the written permission of the student's parents, the identity of any student who is eligible for, or receiving supplemental educational services; and
- (5) if the student is a student with a disability or covered under 29 U.S.C. 794 (section 504 of the Rehabilitation Act of 1973), be consistent with the student's individualized education program under 4 AAC 52.140 or individualized services under Section 504.
- (d) A district may not pay a provider for religious worship or instruction.
- (e) A student is eligible for supplemental educational services if the student is a low-income student for whom the district may fund the services with money provided under 20 U.S.C. 6301-6578 (Title I of the Elementary and Secondary Education Act). If the amount of money available for supplemental education services is insufficient to provide service to each eligible student whose parents request these services, the district must give priority to the lowest-achieving students.

(f) The department may waive, in whole or in part, the requirement that a district make available supplemental educational services if, at the request of the district, the department determines that

(1) none of the providers of those services on the list approved by the department makes those services available in the area served by the district or within a reasonable distance of that area; and

(2) the district provides evidence that it is not otherwise able to make those services available. (Eff. \_\_/\_\_/2003, Register \_\_)

Authority: AS 14.03.015                      AS 14.03.123                      AS 14.07.020  
                 AS 14.07.060                      AS 14.50.030                      AS 14.50.080

**4 AAC 06.865. Corrective action.** In addition to continuing all requirements for Level 3, a district that is required to take corrective action at a school designated as Level 4 under 4 AAC 06.835(a) shall take at least one of the following actions:

(1) replace the school staff who are relevant to the school's failure to make adequate yearly progress;

(2) implement a new curriculum, including the provision of appropriate professional development for all relevant staff; the curriculum must

(A) must be grounded in scientifically-based research; and

(B) offer substantial promise of improving educational achievement for low-achieving students and enabling the school to make adequate yearly progress;

(3) significantly decrease management authority at the school;

(4) appoint one or more outside experts to advise the school on

(A) revising the school improvement plan developed under

4 AAC 06.845 to address the specific issues underlying the school's continued failure to make adequate yearly progress; and

(B) implementing the revised plan;

(5) extend for that school the length of the school year or school day;

(6) restructure the internal organization of the school. (Eff. \_\_/\_\_/2003,

Register \_\_\_\_)

Authority: AS 14.03.123 AS 14.07.020

AS 14.07.060 AS 14.50.030 AS 14.50.080

**4 AAC 06.870. Restructuring.** (a) In addition to continuing all requirements for Level 4, a district that designates a school as Level 5 under 4 AAC 06.835(a) shall prepare a plan to carry out one of the following alternative governance arrangements:

(1) reopening the school as a public charter school;

(2) replacement of all or most of the school staff, including the school's principal if necessary, who are relevant to the school's failure to make adequate yearly progress;

(3) entering into a contract with an entity, which may include a private management company, with a demonstrated record of effectiveness, to operate the school as a public school;

(4) transferring operation of the school to the department to operate as a special school, if agreed to by the department;

(5) any other major restructuring of the school's governance arrangement.

(b) If the school for which the district created the restructuring plan in (a) continues to fail to make adequate yearly progress, the district must implement the restructuring plan at the beginning of the school year following the creation of the plan.  
(Eff. \_\_/\_\_/2003, Register \_\_\_\_)

Authority:	AS 14.03.123	AS 14.07.020	AS 14.07.030
	AS 14.07.060	AS 14.50.030	AS 14.50.080

**4 AAC 06.875. Appeal.** (a) A district shall provide a notice of preliminary designation to a school before the final designation of a school under 4 AAC 06.835(a). In the notice, the district shall include an opportunity to review the school-level data, including state assessment data, on which the preliminary designation is based.

(b) If the principal of a school that receives a preliminary designation under 4 AAC 06.835(a) believes that the preliminary designation is in error for statistical or other substantive reasons, the principal may, within 10 days after the school receives the preliminary designation, appeal the preliminary designation and may provide supporting evidence to the district. All evidence must be provided to the district no later than 20 days after the school receives the preliminary designation. The district shall consider the evidence before making a recommendation to the commissioner regarding the

designation. The commissioner or the commissioner's designee shall consider the recommendation and the evidence before deciding upon a final designation.

(c) The commissioner or the commissioner's designee shall issue a final determination on the designation of a school within 30 days of the provision of the data to the school under (a) of this section, but no later than 10 days before the start of instruction at the school in the fall.

(d) The department shall provide notice to a district before designating the district under 4 AAC 06.835(b). In the notice, the department will include an opportunity to review the data, including state assessment data, on which the proposed designation is based.

(e) If a district that receives a preliminary designation under 4 AAC 06.835(b) believes that the preliminary designation is in error for statistical or other substantive reasons, the district may, within 10 days after receiving preliminary designation, appeal the preliminary designation and provide supporting evidence to the commissioner or the commissioner's designee. The commissioner or the commissioner's designee shall consider the evidence before making a final determination.

(f) The commissioner or the commissioner's designee shall issue a final determination on the designation of a district within 30 days of the provision of the data to the district under (d) of this section. (Eff. \_\_/\_\_/2003, Register \_\_)

Authority:	AS 14.03.123	AS 14.07.020		
	AS 14.07.060	AS 14.50.030	AS 14.50.080	

**4 AAC 06.880. Notice.** (a) Throughout the school designation process, the department, district, or school shall communicate with the parents of each child attending the school that has received the designation under 4 AAC 06.835.

(b) The department, district, or school shall ensure that, regardless of the method or media used, it provides the information required by this section to parents

(1) in an understandable and uniform format, including alternative formats upon request; and

(2) to the extent practicable, in a language that parents can understand.

(c) The department, district, or school shall provide information to parents through

(1) regular mail, electronicmail, or another direct means; however, if the department does not have access to individual student addresses, the department may provide information to the district or school for distribution to parents; and

(2) indirect means of dissemination, including the Internet, publications, broadcasting, and notices from public agencies serving students and their families.

(d) Communications must respect the privacy of students and their families.

(e) If a district designates a school as Level 2 or higher under 4 AAC 06.835, the district shall promptly notify the parents of each student enrolled in the school of this designation. The notice must include

(1) an explanation of what the designation means, and how the school compares in terms of academic achievement to other elementary and secondary schools served by the district and the state;

(2) the reasons for the designation;

(3) an explanation of how parents can become involved in addressing the academic issues that led to the designation;

(4) an explanation of the parents' option to transfer the student to another public school, including the provision of transportation to the new school and information on the academic performance of each school to which the student may transfer; in the notice, the district may also include other information on each school to which the student may transfer, including

(A) a description of any special academic programs or facilities;

(B) the availability of before- and after-school programs;

(C) the professional qualifications of teachers in core academic subjects; and

(D) a description of parental involvement opportunities.

(f) If a school is required to offer supplemental educational services under 4 AAC 06.840, the notice must explain how parents can obtain supplemental educational services for the student, including

(1) the identity of approved providers of those services available within the district, including providers of technology-based or distance-learning supplemental educational services, and providers that make services reasonably available in neighboring districts; and

(2) a brief description of the services, qualifications, and demonstrated effectiveness of the providers.

(g) A district shall publish and disseminate to the parents of each student enrolled in the school, and to the public, information regarding any action taken by a school and the district to address the problems that led to the district's designation of the school, including

(1) an explanation of what the school is doing to address the problem of low achievement;

(2) an explanation of what the district or department is doing to help the school address the problem of low achievement; and

(3) if applicable, a description of specific corrective action or restructuring plans. (Eff. \_\_/\_\_/2003, Register \_\_)

Authority: AS 14.03.123 AS 14.07.020  
AS 14.07.060 AS 14.50.030 AS 14.50.080

**4 AAC 06.885. Recognition.** (a) A school that in one year makes adequate yearly progress and has over 50 percent of its students perform at a proficiency level of advanced for all state assessments shall receive a distinguished school award.

(b) A district that in one year makes adequate yearly progress and has over 50 percent of its proficient students perform at a proficiency level of advanced for all state assessments shall receive a distinguished district award. (Eff. \_\_/\_\_/2003, Register \_\_)

Authority: AS 14.03.123 AS 14.07.020  
AS 14.07.060 AS 14.50.030 AS 14.50.080



**4 AAC 06.899. Definitions.** In AS 14.17 and this chapter, unless the context requires otherwise,

(1) "African-American" means a person having origins in any of the Black racial groups of Africa;

(2) "Alaska Native" means a person who is a descendant of, and who has at least one-quarter blood derived from,

(A) a member of the aboriginal peoples inhabiting the state when annexed to the United States or

(B) an American Indian or Eskimo who, after 1867 and before June 30, 1952, migrated into the state from Canada;

(3) "American Indian" means a person having origins in any of the aboriginal peoples of North and South America, including Central America, and who maintains cultural identification through tribal affiliation or community recognition; "American Indian" does not include an Alaska Native;

(4) "Asian or Pacific Islander" means a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands;

(5) "economically disadvantaged students" means a student who is eligible for free or reduced-price school meals under the FY2004 Alaska Income Eligibility Guidelines for Free and Reduced Meals; the FY2004 Alaska Income Eligibility Guidelines for Free and Reduced Meals, as revised on July 1, 2003, is adopted by reference;

(6) "Hispanic" means a person who traces his or her origin or descent to Mexico, Puerto Rico, Cuba, Central and South America, and other Spanish cultures, regardless of race;

(7) "migratory" means a person who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany the person's parent or spouse, in order to obtain, temporary or seasonal employment in agricultural or fishing work

(A) has moved from one school district to another; or

(B) resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity;

(8) "scientifically-based research" has the meaning given in 20 U.S.C. 7801(37) (Elementary and Secondary Education Act); the definition of "scientifically-based research" set out in 20 U.S.C. 7801(37), as amended on January 8, 2002, is adopted by reference;

(9) "statewide student assessment system" or "state assessments" means the assessments described in 4 AAC 06.710;

(10) "students with disabilities" has the meaning given "child with a disability" in AS 14.30.350, and includes all children who are under or eligible for an individualized education program under AS 14.30.278;

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(11) “students with limited English proficiency” has the meaning given to “limited English proficient” or “LEP” in 4 AAC 34.090, and includes students who are currently served or eligible to be served under 4 AAC 34.055;

(12) "White" means a person having origins in any of the original peoples of Europe, North Africa, or the Middle East. (Eff. \_\_/\_\_/2003, Register \_\_)

Authority: AS 14.03.123 AS 14.07.020

AS 14.07.060

4 AAC 34.055 is amended by adding new subsections to read:

(c) A district shall annually administer an assessment of English proficiency to pupils who are or may be eligible for services under this chapter.

(d) If under (c) of this section a district assesses a pupil as an LEP pupil eligible for services under this chapter, that pupil remains eligible for services until the pupil

(1) is not assessed as an LEP pupil for two consecutive annual assessments under (c) of this section; and

(2) obtains a proficiency level of proficient or advanced, as described in 4 AAC 06.739, on the subtests in reading and writing or reading and language arts under 4 AAC 06.730, 4 AAC 06.737, or 4 AAC 06.755. (Eff. 1/14/78, Register 65; am 8/15/78, Register 67; am 6/28/87, Register 102; am 5/4/2000, Register 154; am \_\_/\_\_/2003, Register \_\_)

Authority: AS 14.07.060 AS 14.17.420 AS 14.30.410

4 AAC 34.090(a)(2) is repealed and readopted to read:

(2) “limited English proficient” or “LEP” means an individual who

(A) is between 3 and 21 years old;

(B) is enrolled or preparing to enroll in an elementary school or secondary school;

(C) falls into one or more of the following categories of individuals:

(i) an individual not born in the United States or whose native language is a language other than English; or

(ii) is an American Indian, Alaska Native, or a native resident of the outlying areas, who comes from an environment where a language other than English has had a significant impact on the individual’s level of English language proficiency; and

(D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual the

(i) ability to obtain a proficiency level of proficient or advanced, as described in 4 AAC 06.739, on the subtests in reading and writing under 4 AAC 06.730 or 4 AAC 06.737;

(ii) ability to obtain a passing score on the subtests in reading and writing under 4 AAC 06.755;

(iii) the ability to successfully achieve in classrooms where the language of instruction is English; or

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(iv) the opportunity to participate fully in society. (Eff.

12/29/76, Register 60; am 5/4/2000, Register 154; am \_\_/\_\_/ 2003, Register \_\_\_\_)

Authority: AS 14.07.060 AS 14.30.410

4 AAC 34.090(a) is amended by adopting a new definition to read:

(4) “outlying area” has the meaning given in 20 U.S.C. 7801(30)

(Elementary and Secondary Education Act); the definition of “outlying area” set out in 20 U.S.C. 7801(30), as amended on January 8, 2002, is adopted by reference;

Editor's note: The income guidelines adopted by reference in 4 AAC 06.899(5) may be obtained by writing to the Department of Education and Early Development, 801 West 10th Street, Suite 200, Juneau, Alaska 99801-1894.